

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

AVIS BUDGET GROUP

and

Case 07-CA-133881

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 283**

ORDER¹

The petition of Avis Budget Group to revoke subpoena duces tecum B-1-K5ZKE7 is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations.² Further, the Petitioners have failed to establish any other legal basis for revoking the subpoenas.³ See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir.

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² With respect to the Employer's contention that the issue of single employer status is not relevant in this proceeding, we note that the General Counsel is vested under Sec. 3(d) of the Act with exclusive prosecutorial authority and, as such, controls the theory of the case and the scope of the investigation. See *NLRB v. Fant Milling Co.*, 360 U.S. 301, 308 (1959) ("Once its jurisdiction is invoked the Board must be left free to make full inquiry under its broad investigatory power in order properly to discharge the duty of protecting public rights which Congress has imposed upon it.") (Internal citation omitted); *BCI Coca-Cola Bottling Company of Los Angeles*, 361 NLRB No. 75, slip op. at 5 n.11 (2014) (MHS) ("Deciding what steps to take before issuing complaint, including how to investigate the charge . . ." is within the General Counsel's unreviewable prosecutorial discretion).

³ The Region has indicated in its opposition brief that it is willing to modify subpoena paragraph 1 to request documents which (1) list the names and titles of all directors and officers of the Employer from January 1, 2013, through the present, including the dates of tenure in their positions, and (2) all documents showing the titles of all supervisors and managers of the Employer who (a) work or have worked at 287 Lucas Dr., Romulus, MI, or (b) have had job responsibilities related to the employees working at that location from January 1, 2013, through the present, including the dates of tenure of their positions. The Region has also indicated that it is willing to modify subpoena

1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., March 23, 2015.

KENT Y. HIROZAWA,	MEMBER
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HARRY I. JOHNSON, III,	MEMBER
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LAUREN McFERRAN,	MEMBER
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paragraph 16 to request only documents executed by newly hired non-supervisory employees. In considering the petition to revoke, we have evaluated the subpoena as modified in this manner.

With respect to subpoena paragraph 18, the Employer is directed to provide the Region with the business addresses of the named regional managers.

To the extent that the Employer has already provided the Region with documents encompassed by this subpoena, it is not again required to provide them, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously-supplied documents constitute all of the requested documents, and provides all of the information that was subpoenaed.